

**CHAPTER NO. 815**

**SENATE BILL NO. 2847**

**By Dixon, Fowler, Burks**

Substituted for: House Bill No. 2523

By Eckles, Walker, Lewis, Cooper, Maddox

AN ACT To amend Tennessee Code Annotated, Section 71-5-1408, relative to home-based and community-based services and supports for Tennesseans with Developmental Disabilities.

WHEREAS, Increasingly available medical technology, improved health care services, and population growth all contribute to a growing need for services for individuals with mental retardation and developmental disabilities in Tennessee; and

WHEREAS, Many individuals who need these services are currently residing in homes and communities without the supports they need; and

WHEREAS, People should not live in an institution if they can remain in the community with the right support; and

WHEREAS, The movement of persons with mental retardation and developmental disabilities in Tennessee into less restrictive environments and off of waiting lists is a policy the State of Tennessee aspires to achieve; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. There is hereby created a community-based services planning commission. The commission shall be composed of eighteen (18) members. The Governor shall appoint a representative of the Division of Mental Retardation Services, a representative of the Department of Finance and Administration, and a representative of the TennCare Bureau. Fifteen (15) additional members shall be appointed as follows: two (2) senators appointed by the Speaker of the Senate, two (2) members of the House of Representatives appointed by the Speaker of the House, eight (8) individuals with developmental disabilities or their family members appointed by the Governor from recommendations submitted by The Arc of Tennessee, two (2) representatives of mental retardation service providers appointed by the Deputy Commissioner of Mental Retardation Services, and one (1) representative of independent support coordinators appointed by the Deputy Commissioner of Mental Retardation Services. Notwithstanding the provisions of the preceding sentence of this section, one (1) of the members who is an individual with developmental disabilities or a member of their families may be a citizen or an advocate for such individuals. The Arc of Tennessee shall ensure that its nominees include racial and ethnic minorities to reflect the ethnic and racial diversity in Tennessee.

SECTION 2. Members of the commission shall serve without compensation or travel reimbursement.

SECTION 3. The commission shall be administratively attached to the Office of the Commissioner of Finance and Administration, but for all purposes other than administrative the commission shall be considered independent. The Department of Finance and Administration shall provide necessary staff assistance for the commission.

Other state agencies shall assist the commission as deemed appropriate by the Commissioner of Finance and Administration.

SECTION 4. (a) The duties of the commission are to study and develop a proposed strategic plan for supporting people with developmental disabilities in less restrictive settings and moving persons with developmental disabilities on waiting lists into appropriate community-based services at a reasonable rate.

(b) The commission shall be authorized to perform all other duties necessary and proper for the performance of its duties.

SECTION 5. The commission shall draft a strategic plan that addresses the extent to which there are systems and programs available to provide services to individuals with developmental disabilities in integrated community-based settings, the extent to which current supports and services meet the needs of people who are likely to require assistance in order to live in the community, mechanisms to build capacity in the system to promote self-determination and provide cost effective community-based services, funding sources available and funding levels needed to increase the availability of community-based services, and the operation of waiting lists and a system to move individuals off waiting lists and receive needed services at a reasonable pace.

SECTION 6. (a) The commission shall submit a strategic plan for the Governor's review by November 1, 2000. The commission may provide continuing recommendations concerning issues relating to the proposed plan until the commission terminates.


(b) The commission shall terminate on June 30, 2001.

SECTION 7. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.


SECTION 8. This act shall take effect upon becoming law, the public welfare requiring it.

**PASSED: May 17, 2000**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 24<sup>th</sup> day of May 2000**

  
DON SUNDQUIST, GOVERNOR